

Attorney Docket No. 40655.4200

REMARKS/ARGUMENTS

In response to the Office Action dated October 27, 2003, Applicants have amended the independent claims to more clearly define embodiments consistent with the present invention. Claims 1-48 are pending. Reconsideration and allowance of all pending claims are respectfully requested.

Section 112 Rejections

Claims 1, 11, 16, 23, 27, 30, 35, and 45 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness due to the recitation of the phrase "if available." Applicants have amended these claims to clarify the use of authentication and service data, "when available."

Section 102 Rejections

Claims 1, 11-17, 23-29, 35-41, and 45-48 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,488,206 (Flaig patent). Independent claims 1, 11, 16, 23, 27, 35, and 45 have each been amended to recite a more specific meaning for the phrase "authentication and service data"; in particular, each of those claims recites that "the authentication and service data includes information in addition to and different from information identifying" the consumer or cardholder. These amendments are supported in the application as filed by at least Figures 3 and 4, and the accompanying descriptions of those Figures.

Applicants respectfully submit that the Flaig patent does not disclose or suggest this combination of features in determining whether to activate a card. In particular, the Flaig patent recites only cardholder identity information, meaning information that identifies a cardholder such as a name or password, for use in verifying or authenticating the cardholder. (See Flaig patent, col. 5, lines 18-40.) Embodiments of the present invention provide for a more robust and secure system by using additional types of information to authenticate a consumer or cardholder, examples of which are provided in the present specification.

Attorney Docket No. 40655.4200

The other cited references likewise to do not disclose or suggest this combination of features in the independent claims. The Risafi patent relates to use of a prepaid card, which does not require authentication as the user pays for the value of the card in advance. The Chen patent relates to the use of only password and encryption techniques to prevent fraud with respect to credit cards, and it does not use authentication or service data, as defined in the claims.

Therefore, Applicants respectfully submit that cited references do not disclose or suggest all features of claims 1, 11, 16, 23, 27, 35, and 45, and that they are patentable over the cited references.

Claims 12-15, 17, 24-26, 28-29, 36-41, and 46-48 depend from, respectively, independent claims 11, 16, 23, 27, 35, and 45, and they are thus patentable for at least the reasons provided above with respect to claims 11, 16, 23, 27, 35, and 45.

Section 103 Rejections

Claims 2, 3, 5-10, and 18-22 were rejected under 35 U.S.C. § 103 as having been obvious over the Flaig patent and the Risafi patent. Claims 2, 3, and 5-10 depend from independent claim 1, and claims 18-22 depend from independent claim 16, and they are thus patentable for at least the reasons provided above with respect to claims 1 and 16.

Claims 30-33 were rejected under 35 U.S.C. § 103 as having been obvious over the Flaig patent and the Chen patent. Independent claim 30 has been amended to recite a more specific meaning for the phrase "authentication and service data." As explained above, the cited references do not disclose or suggest at least those features in combination. Claims 32 and 33 depend from independent claim 30 and are thus patentable for at least the reasons provided above with respect to claim 30.

Claim 34 was rejected under 35 U.S.C. § 103 as having been obvious over the Flaig patent. Claim 34 depends from independent claim 30 and is thus patentable for at least the reasons provided above with respect to claim 30.

Claims 4 and 42-44 were rejected under 35 U.S.C. § 103 as having been obvious over the Flaig patent, the Risafi patent, and U.S. Patent Application No. 2002/00693664.


Attorney Docket No. 40655.4200

Claims 4 and 42-44 depend from, respectively, independent claims 1 and 35, and they are thus patentable for at least the reasons provided above with respect to claims 1 and 35.

In view of the amendments and remarks provided above, Applicant respectfully request reconsideration and allowance of all pending claims.

Respectfully submitted,

Date: December 29, 2003


Lance L. Vietzke, Reg. No. 36,708
Snell & Wilmer LLP
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
(303) 634-2017
USPTO Customer No. 20322